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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,995	01/14/2004	William H. Fulton	102434-200	3727

27267 7590 02/16/2006

WIGGIN AND DANA LLP  
ATTENTION: PATENT DOCKETING  
ONE CENTURY TOWER, P.O. BOX 1832  
NEW HAVEN, CT 06508-1832

EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/756,995

Applicant(s)

FULTON ET AL.

Examiner

Shay L. Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/15/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of claims 1-5 in the reply filed on 12/28/05 is acknowledged. The traversal is on the ground(s) that there is no undue burden evaluating all claims at the same time. This is not found persuasive because the apparatus claims require a first and second holding plate. Additionally, the cleaning cartridge needs to be within a cartridge located within the second plate. The method claim does not require these elements and the method could be completed without the first and second holding plates. Thus the product as claimed can be used in a materially different process of using that product. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 4 states that the chemically inert material is polyvinylchloride. The specification fails to list polyvinylchloride as a chemically inert material.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (USPN 5537706).

Baker teaches a cleaning device comprising a first holding plate (20) for holding and securing disks. There is a second holding plate (32) for securing and aligning a cleaning cartridge (40). The cleaning cartridge comprises an absorbent pad (120) filled with cleaning solution (130). The first holding plate is positioned relative to the second holding plate so that the absorbent pads act upon the disks. The first holding plate is affixed to the second holding plate so as to be rotated into alignment with the second holding plate (figure 2). The first and second holding plates and the cleaning cartridge are made from a chemically inert material since no chemical reaction occurs between the elements.

Claims 1, 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Masahiko (JP 2002177895).

Masahiko teaches a cleaning device comprising a first holding plate (48) for holding and securing disks. There is a second holding plate (22) for securing and aligning a cleaning

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cartridge (24). The cleaning cartridge comprises an absorbent pad (60) filled with cleaning solution. The first holding plate is positioned relative to the second holding plate so that the absorbent pads act upon the disks. The first and second holding plates and the cleaning cartridge are made from a chemically inert material since no chemical reaction occurs between the elements.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Pankow (USPN 6343399).

Pankow teaches a cleaning device comprising a first holding plate (20) for holding and securing contacts. There is a second holding plate (22) for securing and aligning a cleaning cartridge. The cleaning cartridge comprises an absorbent pad (63) filled with cleaning solution (col. 5, lines 23-25). The first holding plate is positioned relative to the second holding plate so that the absorbent pads act upon the disks. The first holding plate is affixed to the second holding plate so as to be rotated into alignment with the second holding plate (figure 6c). The first and second holding plates and the cleaning cartridge are made from a chemically inert material since no chemical reaction occurs between the elements.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirose et al. (USPN 6175983).

Hirose teaches a cleaning device comprising a first holding plate (21) for holding and securing wafers. There is a second holding plate (30) for securing and aligning a cleaning cartridge. The cleaning cartridge comprises an absorbent pad (53) filled with cleaning solution (92). The first holding plate is positioned relative to the second holding plate so that the absorbent pads act upon the disks. The first and second holding plates and the cleaning cartridge

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are made from a chemically inert material since no chemical reaction occurs between the elements.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Larsen (PGPub 2003/0217423).

Larsen teaches a cleaning device comprising a first holding plate (60) for holding and securing pacifiers. There is a second holding plate (180) for securing and aligning a cleaning cartridge (82). The cleaning cartridge comprises an absorbent pad (190) filled with cleaning solution ([0045]). The first holding plate is positioned relative to the second holding plate so that the absorbent pads act upon the disks. The first and second holding plates and the cleaning cartridge are made from a chemically inert material since no chemical reaction occurs between the elements. There is a cover (figure 7, element 20') that is removable and reusable.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang (USPN 6199238).

Huang teaches a cleaning device comprising a first holding plate (50) for holding and securing disks. There is a second holding plate (262) for securing and aligning a cleaning cartridge (621). The cleaning cartridge comprises an absorbent pad (630) filled with cleaning solution (col. 2, lines 64-67 and col. 3, lines 1-13). The first holding plate is positioned relative to the second holding plate so that the absorbent pads act upon the disks. The first and second holding plates and the cleaning cartridge are made from a chemically inert material since no chemical reaction occurs between the elements. There is a cover (21) that is removable and reusable.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker, Masahiko, Pankow, Hirose et al., Larsen or Huang.

Baker, Masahiko, Pankow, Hirose, Larsen or Huang teach all the essential elements of the claimed invention however fail to teach that the chemically inert material used is polyvinylchloride. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use polyvinylchloride for the first and second holding plates as well as the cleaning cartridge, since it has been held within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, polyvinylchloride would have been a good material to use since it has a high strength, dimensional stability and can be easily machined, heat formed, welded or solvent cemented (San Diego Plastics).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

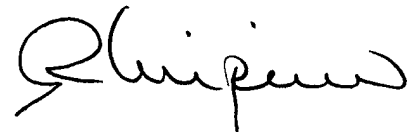
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SLB  
2/7/06



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